

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARK VASQUEZ PAJAS, et al.,

Plaintiffs,

v.

COUNTY OF MONTEREY, et al.,

Defendants.

Case No.16-cv-00945-BLF (SVK)

**FURTHER ORDER ON PLAINTIFFS'
MOTION TO COMPEL**

Re: Dkt. No. 84

Following the fourth hearing on the Plaintiffs' January 13, 2017 Motion to Compel (Dkt. No. 84) held February 16, 2017, the Court finds that the below deadlines are necessary to move discovery forward. Present at the hearing were: Ms. Rifkin for Plaintiffs, Mr. Martini for California Forensic Medical Group ("CFMG"), and General Counsel for CFMG, Mr. Benjamin Rice, pursuant to the Court's order of February 14, 2017.

At the hearing, it was disclosed for the first time, despite numerous meet and confer efforts between the parties, that CFMG's records are kept in a manner that may render some of Plaintiffs' requests over burdensome as previously modified. Specifically, CFMG provides medical services for at least twenty counties in the state of California, and based on CFMG representations made at the hearing, records are in physical, written form and located throughout the state. Further, there does not appear to be a uniform method of record keeping allowing for efficient searches. The state of records, of course, does not preclude the necessity to provide relevant discovery. Thus, CFMG is further ordered as follows:

1. Mr. Benjamin Rice, General Counsel for CFMG, is ordered to produce a declaration by February 22, 2017. The declaration shall clarify Mr. Rice's investigation for relevant documents to include asking the appropriate CFMG personnel about deaths of inmates

1 who *were experiencing* opiate, alcohol, and/or benzodiazepine withdrawal and/or detoxification as
2 clearly set forth in the subject requests and this Court's order of February 7, 2017 (Dkt. No. 96), as
3 Mr. Rice's previous inquiry appeared to have been limited to inmates whose cause of death was
4 opiate, alcohol, and/or benzodiazepine withdrawal and/or detoxification. Mr. Rice's declaration
5 shall clearly state the results of his inquiry. The declaration shall also explain CFMG's tracking
6 system for inmate deaths across all facilities, including, but not limited to, Monterey County Jail.

7 2. By February 22, 2017, Mr. Rowe from Liberty Technical Solutions is ordered to
8 produce a declaration that is fully compliant with the Court's February 7, 2017 Order, including a
9 description of CFMG's computer system in paragraph form, not merely by providing a list of
10 components. The description should include both the storage system for data and a description of
11 the use and purpose of physical computer terminals.

12 3. Dr. Elliud Garcia, a custodian included in the Court's February 7, 2017 Order,
13 having been unavailable to complete the search of his personal computer, is ordered to complete
14 his search by February 22, 2017, and produce a declaration describing such search. Any
15 responsive documents, as defined in the February 7, 2017 Order, shall be produced to Plaintiffs by
16 February 24, 2017.

17 4. CFMG shall produce any documents "relating to any death(s) of inmates who were
18 experiencing opiate, alcohol, and/or benzodiazepine withdrawal and/or detoxification at Monterey
19 County Jail" for the time period of 2005-2015. (*See* Dkt. Nos. 84-1, 96.) In addition, CFMG shall
20 produce documents relating to the four deaths publicly reported in documents Plaintiffs provided
21 to CFMG and the Court. These documents shall be produced to Plaintiffs by February 24, 2017.

22 5. Counsel for the parties, including Mr. Rice, shall participate in a conference call at
23 11:00 a.m. on Wednesday, February 22, 2017, with the Court to discuss the status of compliance
24 with this Order and further steps for document production.

1 The Court reserves ruling on sanctions at this time, but CFMG is on notice that the Court is
2 evaluating appropriate remedies for continued noncompliance with this Court's orders.

3 **SO ORDERED.**

4 Dated: February 17, 2017

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7 SUSAN VAN KEULEN
8 United States Magistrate Judge
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United States District Court
Northern District of California